



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY

SUPERFUND DIVISION P.O. BOX 2946
WINDOW ROCK, AZ 86515 · PHONE: (928) 871-7993 · FAX: (928) 871-7783



Narrative Information Sheet

FY2021 Site Specific Brownfields Assessment Grant Application for
Navajo Forest Products Industry Site
Navajo Nation Environmental Protection Agency
RFP NO.: EPA-OLEM-OBLR-20-06

R09-21-A-021

1. Applicant Identification

Name: Navajo Nation Environmental Protection Agency, Superfund Program
Address: P.O. Box 2946
Window Rock, AZ 86515

2. Funding Requested

a. Assessment Grant Type: "Site Specific"

b. Federal Funds Requested

- i. Requested Amount: \$350,000
- ii. Site-specific Assessment Grant Waiver of the \$200,000 limit. Yes.

3. Location

- a. Navajo Forest Products Industry site, Navajo, McKinley County, NM
- b. Tribal Trust Land of the Red Lake Chapter of Navajo Nation

4. Property Information for Site-Specific Proposals

Property name: Navajo Forest Products Industries
Complete site address: Navajo Route 12/Cleveland Road & Shepard Springs Road, Navajo, NM
Zip code: 87328

5. Contacts

a. Project Director

Name: Dariel Yazzie, Navajo Nation Environmental Protection Agency
Phone: (928) 871-6859
Email: darielyazzie@navajo-nsn.gov
Mailing address: P.O. Box 2946
Window Rock, AZ 86515

b. Chief Executive/Highest Ranking Elected Official

Name: Jonathan Nez, Navajo Nation President
Phone: (928)871-6352
Email: jonez@navajo-nsn.gov
Mailing address: PO Box 7440
Window Rock, AZ 86515

6. Population

Number of tribal members affected: 2,265

7. Other Factors Checklist

| Other Factors | Page # |
|---|---------------|
| Community population is 10,000 or less. | 1 |
| The applicant is, or will assist, a federally recognized Indian tribe or United States territory. | 1, 7 |
| The priority brownfield site(s) is impacted by mine-scarred land. | NA |
| The priority site(s) is adjacent to a body of water (i.e., the border of the priority site(s) is contiguous or partially contiguous to the body of water or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them). | NA |
| The priority site(s) is in a federally designated flood plain. | NA |
| The redevelopment of the priority site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or any energy efficiency improvement projects. | 2, 3 |
| 30% or more of the overall project budget will be spent on eligible reuse planning activities for priority brownfield site(s) within the target area. | NA |

8. Letter from the State or Tribal Environmental Authority Since the applicant is the Navajo Nation Environmental Protection Agency, which is Tribal Environmental Authority for Navajo Nation, the requirement for this letter is not applicable.



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October 23, 2020

David Lloyd
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

SUBJECT: **Threshold Criteria for Site Specific Brownfield Assessment Grant
Navajo Forest Products Industries Site
Navajo Nation Environmental Protection Agency**

Dear Mr. Lloyd;

Please accept this letter to demonstrate the commitment of Navajo Nation Environmental Protection Agency (NNEPA) to act as the fiscal agent and grantee for the Fiscal Year 2021 Brownfields Site Specific Assessment Grant for the Navajo Forest Products Industries (NFPI) Site in Navajo, New Mexico. The following information is provided to show that this site satisfies all the Threshold Criteria specified in **FY21 Guidelines for Brownfield Assessment Grants** (RFP NO.: EPA-OLEM-OBLR-20-06).

NNEPA understands the responsibilities as an EPA brownfield grantee and has the financial and personnel resources to administer a Brownfield Site Specific Assessment grant. We are excited about the opportunity and convinced that this grant would further economic development and environmental cleanup in Navajo Nation.

Sincerely,

Dariel Yazzie

Navajo Nation Environmental Protection Agency

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

1.a.i Background and Description of Target Area Navajo Forest Products Industries (NFPI) was once considered Navajo Nation's (NN) most successful enterprise; it manufactured lumber products from 1958 to 1995 and expanded to include a particleboard factory, millworks with machinery support and maintenance shops in 1983. NFPI was a major employer for the tribal community of Navajo, New Mexico and employed 450 local and commuter Navajos. In 1992, the NN Forest Management Plan which had been in effect for 10 years expired, logging operations on tribal land stopped and NFPI began buying timber from off-reservation. Since the cost of importing timber made the facility unprofitable, after 37 years, NFPI ceased operations in 1995 resulting in the immediate loss of 450 direct NFPI jobs and this created a ripple effect that destroyed the economy in the Target Area, including businesses closures of services to laid-off employees. Overnight job losses at NFPI devastated the economy and rippled to employees of businesses servicing NFPI employees whose only income sustains most families in the community and NFPI commuters. Because the legacy is a 100-acre abandoned, contaminated property, and a facility that was never properly decommissioned or replaced, the community never recovered and was left with land and water containing dangerously high levels of contamination that threatened health and safety.

The Target Area is the tribal community of Navajo in McKinley County, New Mexico (pop 2265). According to the U.S. Census Bureau, 2005-2009 American Community Survey, 94% of the people living in the community are Navajo. More than 59% of people speak a language other than English at home and 11% do not speak English very well. Houses are empty, dilapidated, and/or abandoned with the presence of an abandoned convenience store and gasoline station. Since NFPI closure nearly 25 years ago numerous abandoned "company houses" in Navajo are unoccupied, neglected, and unmaintained and 29% of all houses in Navajo vacant. Now these former homes are used as local gang hangouts and have attracted extensive amounts of graffiti. Although Navajo used to be a thriving community with activities for children such as a swimming pool and activity center, without revenue from NFPI, these closed many years ago. If the environmental and economic consequences of the NFPI closure were not significant enough, there are other brownfield properties in the tribal community of Navajo. There are currently three active gas stations in the community; at least two closed stations are known to have operated there previously. The NN Environmental Protection Agency's (NNEPA) website indicates that nearly 50% of petroleum storage tank sites identified so far on the Navajo Nation are suspected to have leaking storage tanks with contamination affecting both soil and water. "At most of these sites, the shallow groundwater is in direct contact with contaminated soil" (Henry Haven, Jr., Pers. Comm.).

1.a. ii. Description of the Priority Brownfield Site(s) The NFPI site has only a few buildings left out of an original thirty-one during the time that NFPI was operational. The buildings were built in the 1950's and 1960's. For purposes of this grant the **priority brownfield site #1** is a 50 acre area approximately 12 acres of which was formerly occupied by the NFPI warehouse and a retail sales office during the 1980s. Historical information indicates the 12 acres was never used for chemical storage or any NFPI operations that used chemicals. This site is relatively flat and is immediately adjacent to the main highway between Navajo and Window Rock, Indian Route 12. This area is a priority because in addition to 24% of it being relatively uncontaminated it contains a 550' x 200' concrete pad that will be reused for a community, business and workforce training center. **Priority brownfield site #2** is the remaining 50 acres of the NFPI site. For both priority brownfield sites contaminants of concern include asbestos, paints, cleaners, aerosol cans, adhesives, resins, acids, water treatment chemicals, chlorinated solvents, degreasers and various petroleum-based fuels and lubricants, and formaldehyde. Dissolved phase benzene was detected in 7 of 14 groundwater wells at concentrations from 36 to 15,000 ug/L and there is a two-foot layer of diesel fuel floating on the groundwater in one of the monitoring wells. In addition, there is an estimated 22,000 cubic yards of petroleum contaminated soil which is comingled with asbestos to a depth of two feet. Exposure pathways include inhalation of air that may contain asbestos and volatile organic compounds as well as particulate matter (contaminated dust) on windy days, dermal contact with contaminated soil, and ingestion of contaminated groundwater. Abandoned structures, open foundations, and other infrastructure or equipment that is physically compromised due to lack of maintenance remain at the site also represent significant hazards to residents and trespassers. There have been reports of illegal entry to the site despite the presence of a fence. Acts of vandalism, illegal dumping and arson have all occurred at the site over the years and these have increased the risk to residents because of the structures and foundations that remain, their flammability and the chemicals they contain.

1.b.i Redevelopment Strategy and Alignment with Revitalization Plans

Navajo Nation strives for a sustainable and viable economy for growing population now above 300,000. In 1998 the Navajo Nation established the Local Governance Act (LGA) to allow Chapters to make locally based decisions on their Land Use Plan (LUP) to allow for or increase businesses and new jobs, tourism and increased public awareness. Early planning of NFPI reuse started in 2000 – 2001 with the creation of the Red Lake Chapter (RLC) Community Land Use Plan (LUP - <http://redlake18.navajochapters.org>). The LUP of the

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RLC lists the NFPI site for economic redevelopment under the Chapter information section. After assessment and cleanup of the NFPI site, the LUP indicates mixed-use development as the goal for future use of the property.

In 2019 Navajo President Nez signed a proclamation calling for the tribe to diversify its energy portfolio and create jobs from clean energy development projects. In January 2020, the Salt River Project indicated it is looking for companies to build solar power plants to produce up to 400 megawatts – and it wants 200 megawatts to come from plants located on the Navajo Nation. The Kayenta Solar Facility, the first utility-scale solar project owned by Navajo Tribal Utility Authority finished Sept 2020 is located on 365 acres of tribal land and produces 55 megawatts which is enough electricity for 36,000 Navajo homes. Construction of two phases of the facility required hiring and training of 434 local workers who were paid \$9.5 million of wages; more than 84% were Navajo. There has already been discussion of Navajo **priority brownfield sites #1 and #2** as a possible site for one of the next such projects. If this grant is awarded it is expected that the RLC will vote on a petition to the Navajo tribal government requesting selection of Navajo **priority brownfield sites #1 and #2** for a similar, though smaller solar installation. No only would this align with the LUP and NN plans for energy diversification it would also align with USEPA's Re-powering America's Land Initiative which encourages renewable energy development on current and formerly contaminated land.

1.b. ii. Outcomes and Benefits of Redevelopment Strategy

At a chapter meeting held November 20, 2019 to discuss community support for this grant the RLC defined mixed use development as one or more of the following: commercial, cultural, institutional, or entertainment to include adaptive reuse of existing buildings, foundations and concrete slabs from the former NFPI facility. It was decided that future uses of **priority brownfield sites #1 and #2** should satisfy one or more of the following objectives: 1) provide community facilities & amenities, 2) enhance economic development (job training, business attraction and business retention) and 3) create placemaking (establish this as a destination location). During preparation of this grant application work was performed by the NNEPA to develop a community-driven plan that prioritizes the needs and opportunities available to the RLC for implementation. The plan called the NFPI-Navajo New Enterprise Road Map (Road Map) outlines a series of specific concise activities to be undertaken by the NNEPA, the RLC and/or the tribal community of Navajo NM over a ten-year period to reuse and redevelop the NFPI site as a catalyst for the rebirth of the Navajo NM community providing it with new life and long-term sustainability in a way that respects and honors the community's origins, unique attributes and characteristics, and its traditions. Priority will be given to incorporating bold and innovative ideas suggested by community members that can enhance and improve development opportunities at **priority brownfield sites #1 and #2** and remove constraints and limitations to growth of the Navajo community that have existed during the 25 years since closure of the NFPI facility. After sampling and assessment of soil and groundwater at **priority brownfield site #1** is complete, and provided that limited contamination confirm reuse is safe, a Navajo Community & Jobs Training Center (NCJC) will be constructed on the existing concrete pad at this location. Reuse of a portion of **priority brownfield site #1** will act as a catalyst for reuse of **priority brownfield site #2** and the rebirth and revitalization of the tribal community of Navajo in a manner that is in complete alignment with plans of Navajo Nation and the RLC.

Reuse of the **priority brownfield sites #1 and #2** for a light industrial facility could create new jobs for local and regional workers. Two ideas that have been considered are a tire or other type of recycling facility sometimes called a Material Recovery Facility (MRF) and a biomass facility to make fuel in the form of wood pellets. Successful examples of similar facilities include the Southwest Renewable Resources facility in Snowflake, AZ, the Forest Energy Corporation facility in Show Low, AZ and Southwest Forest Products, Inc. facility in Phoenix, AZ. There is also a real possibility of using the **priority brownfield sites #1 and #2** for a solar facility as mentioned in Section 1.b.i. The number of new jobs to be created depends on how much of the former NFPI property can be reused or redeveloped in addition to the 12 acres that is part of **priority brownfield site #1** and the type of development/use that occurs as shown in this table.

| Available Area | % Buildout | Facility Type | Size of Facility | Jobs Created ² |
|---|------------------|-------------------|--------------------------|---------------------------|
| 100 acres – 12 acres (used for NCJC) = 88 acres | 100% (88 acres) | Wood Pellet Plant | 1.2 tons/hr ¹ | 13 |
| | 100% (88 acres) | Solar | 23 MW ³ | 150 ³ |
| | 1% (~1 acres) | MRF | 30,000 SF | 19 |
| | 2% (~2 acres) | MRF | 70,000 SF | 43 |
| | 3.7% (3.4 acres) | MRF | 150,000 SF | 93 |
| ¹ Pre-Feasibility Analysis of Pellet Manufacturing on Former Loring Air Force Base (NREL, 2014). ² Assumes 1,621 square feet per worker based on the USEIA's 2016 employment estimates. ³ Estimates come from information about Kayenta Solar Facility in Navajo Times article October 11, 2020. | | | | |

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Regardless of the type of facility that is constructed at **priority brownfield sites #1 and #2** the local economy will improve with the jobs that these developments create, dilapidated “company houses” will be demolished and replaced and new housing constructed for workers. New housing will require expansion of neighborhoods and a new source of revenue will be required for refurbishing or maintaining the new homes, and new businesses may be started to provide food or clothing to workers. The return of residents, housing improvements, and redevelopment of the NFPI site will foster hope, ownership, and a sense of community.

1.c.i. Strategy for Leveraging Resources - Resources Needed for Site Reuse

Using the initial infusion of the \$350,000 site specific brownfields assessment grant from USEPA as leverage, NNEPA and the Red Lake Chapter should be eligible to partner with the Navajo Tribal Authority and apply for a tribal energy infrastructure grant from the US Dept of Energy Office of Indian Energy Policy and Programs which provided \$16M for 14 projects in 2019 and \$9M for 15 projects in 2020. Funding for the job training center building will consist of a 75% -25% split between two different sources. A \$500,000 grant from the USDA Community Facilities Direct Loan & Grant Program will provide 75% of the cost for construction and operation of the building amount and 25% of this cost will come from monetary contributions made by nonprofits and private foundations that are known to fund tribal projects such as the Ford Foundation and W.K. Kellogg Foundation. A list of some of the additional funding that will be pursued after award of this EPA brownfield site assessment grant to help redevelop the former NFPI site and revitalize the tribal community of Navajo is provided in the following table.

| Amount | Source of Funding | Timeframe | Purpose |
|-------------------|--|------------------------------|--|
| \$600,000 | US DOE Office of Indian Energy Policy and Programs | 2021 - 2026 | Assess & repair or construct electrical transmission facilities to prepare for construction of solar facility at priority brownfield sites #1 and #2 |
| \$500,000 | USDA Community Facilities Grant Program & Private Foundations & Nonprofits | Sept '21 – Sept '22 | Construction of Navajo Community and Job Training Center |
| \$800,000 - \$1M+ | US Economic Development Admin (EDA) | 2021 - 2026 | Help to pay for infrastructure improvements for a business or industrial park at priority brownfield sites #1 and #2 |
| \$200,000 | USEPA Environmental Workforce Development and Job Training Grant | September 2021 – August 2023 | Training in environmental sampling, demolition, underground storage tank removal, groundwater extraction, and site remediation associated with brownfields |
| \$2,100,000* | Red Feather Construction and/or Habitat for Humanity and/or Navajo Partnership for Housing | 2022 - 2025 | Demolish, renovate, and/or replace 15 deteriorated, dilapidated, and unsafe houses @ \$140,000/house. |
| \$500,000/yr | Navajo Tribal Government | 2021 - ? | At the time of this grant application Red Lake Chapter has submitted a petition to the Navajo tribal government for a dedicated annual funding source to sustain efforts for reuse and redevelopment of the NFPI site. |

*total includes donation of labor & materials

NNEPA will apply for a \$200,000 Environmental Workforce Development and Job Training Grant (EWDJTG) from USEPA in June 2021 to train community members who are interested in working on the assessment and cleanup of **priority brownfield sites #1 and #2** for jobs in environmental sampling, demolition, underground storage tank removal, groundwater extraction and treatment and site remediation. To ensure that the design of the community & job training center incorporates ideas from the community of Navajo, NNEPA has already been awarded a \$120,000 Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement grant from the USEPA; this grant is scheduled to start in Fall of 2020. The priority will be to use the job training center that is constructed on **priority brownfield site #1** to help tribal community members (1) find work at **priority brownfield sites #1 and #2** both before and after redevelopment, (2) create sustainable small businesses that can succeed in the community of Navajo, and (3) train residents to perform the jobs available in these businesses.

Opportunity Zones RLC and **priority brownfield sites #1 and #2** are not located in an Opportunity Zone (OpZone). However, there are four OpZones in Navajo Nation and four OZs on Navajo Nation off-reservation trust land. Since it is anticipated that electricity from a solar installation at Navajo **priority brownfield sites #1 and #2** would produce enough electricity to power 23,000 homes - - more than 25 times the number of

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homes in the tribal community of Navajo, it is expected that businesses in nearby OpZones - - there are three in the same County (McKinley) as Navajo NM - - will greatly benefit from this project.

1.c.ii Use of Existing Infrastructure Water, sewer, electrical and/or gas utilities are present at the NFPI site. However, much of what is known to be functional is used by the chapter house of the Red Lake Chapter or other small scale, residential users. The condition and potential to reuse any of the infrastructure that was left behind at the NFPI facility when it shut down in 1995 is unknown and it is likely that some or all of it would require upgrade/replacement, particularly if long-term commercial or industrial reuse of the property is contemplated. The need for upgrade or replacement of utilities and infrastructure at the NFPI site will be specifically included as a line item in the application for any USDOE or USDA Community Facilities grant that is submitted for funding. There are also grants from the Economic Development Administration for development of business and industrial parks that could be used for this purpose (see Section i.c.i).

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

2.a.i. Community Need There is greater need for USEPA grant funding to address the NFPI site than at any time since its closure in 1995. Despite recent court settlements to fund cleanup work at a fraction of the estimated 500 abandoned uranium mines at Navajo Nation, funding available to the tribal government for assessment, cleanup and redevelopment of brownfields properties is very limited. This is due in part to the economic distress that NN is suffering due to the closure of several coal mines (Kayenta, et al) and the 2019 closure of the Navajo Generating Station, the largest coal fired power plant in the U.S. A spokesman for Navajo Nation Pres. Nez and VP Lizer said, "the economic impact of the mine and plant closure is estimated to be roughly \$20 million to \$30 million for the nation alone". Furthermore, the estimate does not include the impact for surrounding communities. The tribal community of Navajo NM adjacent to NFPI and the Red Lake Chapter where it located has significantly less funding available for this work than the tribal government. The tribal community of Navajo is not a township under the NN local governance act (LGA). Therefore, it cannot collect taxes to use for economic or social programs. Taxes have never been collected including during the time when the NFPI was in operation because there was no mechanism to collect taxes. The Navajo Nation Environmental Protection Agency (NNEPA) has spent more than \$1,000,000 performing assessment and some limited cleanup at the site during the 25 years since the closure of the NFPI facility. Chronically underfunded, the NNEPA has insufficient money to make a significant difference in site conditions, let alone start to plan for comprehensive and systematic cleanup and reuse/redevelopment. Work to date has barely been sufficient to address potential exposure of community members to contaminants that remain at the property. This grant will make a significant difference to the trajectory of funding at NFPI which has been decreasing every year. It will pay for much needed and long delayed assessment activities, including completion or several critical data collection activities as well as cleanup and site reuse planning. The grant will also provide data necessary to address potential community exposure to site contaminants and allow for a more complete understanding of the magnitude and extent of environmental impacts. There is real and urgent community need for all of this work since not only does the tribal government and local chapter not have the funds to pay for it, but neither do residents. Recent data show the 5-year unemployment rate in Navajo NM is 17.4% compared to 7.7% in NM and 6.6% in the US. Even those who have some employment don't have access to higher paying jobs like those that once existed at NFPI. Of the 1,676 persons living in Navajo NM 62.1% live in poverty compared to 40.5% elsewhere in NN, 20.6% in NM and 14.6% in the U.S.

2.a.ii: Threats to Sensitive Populations

(1) Health or Welfare of Sensitive Populations The NFPI site is in a rural area with the closest residents living within approximately 500 feet of contamination. There is a housing development 800 feet east-southeast of the NFPI site. There is also a charter elementary school with 267 PreK -5th grade students that is 500 feet from the site boundary and grazing areas surround the site. A business area with convenience store, restaurant and grocery store is within 0.5 miles. Data demonstrating the disproportionately large sensitive populations suffering health and welfare impacts due to their proximity to the NFPI site are summarized in the table below and are discussed further in Sections 2.a.ii.2 and 2.a.ii.3. The primary health and welfare impacts to sensitive populations affected by NFPI include an inadequate supply of affordable housing and family-wage jobs as well as blight and safety concerns and health concerns due to the proximity of these populations to contamination.

| Area | Senior (>65) | >65in Poverty | Children (< 18) | < 18 in Poverty | Native American |
|--|--------------|---------------|-----------------|-----------------|-----------------|
| Navajo NM/ RLC | 6.4– 7.5% | 29-31% | 42.3-44.8% | 73.3 – 73.8% | >94% |
| NM | 15.8% | 11.9% | 26.5% | 29.1% | 10.6% |
| U.S. | 14.9% | 9.3% | 25.7% | 20.3% | 1.6% |
| Source: US Census American Community Survey 2017 | | | | | |

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Redevelopment of **priority brownfield sites #1 and #2** will improve health by reduce exposure of residents to contaminants. Assessment and cleanup of soil will minimize potential inhalation of airborne asbestos and contaminated particulate in the form of blowing dust. It will also prevent dermal contact with contaminants for child or trespassers and ingestion of contaminated groundwater for the community. Because redevelopment of priority brownfield sites #1and # will increase the availability of family-wage jobs and workforce housing, it will have a ripple-affect throughout the community of Navajo, directly and indirectly improving the quality of life for many residents.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions: Although there are no reliable and complete studies that provide data about health and disease of the Navajo, NM community and the Red Lake Chapter, there is sufficient evidence to suggest that the health of this group is similar to tribal members of Navajo Nation. Existing data indicate that the Navajo suffer greater health disparities than many other groups in New Mexico or the United States, which can be attributed to direct exposure to contaminants in the soil, air and groundwater.

As these data show, residents of Navajo Nation suffer from cancer at a rate which is generally similar to the US and is lower than elsewhere in NM. However as a result of poor quality of life and lack of opportunities from the presence of brownfields Navajo die at a significantly greater rate than elsewhere in NM or the U.S.

| Disease and Health Conditions Leading causes of death (per100,000) | United States ¹ | New Mexico ² | Navajo Nation ³ |
|---|----------------------------|-------------------------|----------------------------|
| Cancer | 105 | 174.7 | 103.45 ⁶ |
| Heart Disease | 198.8 | 187.3 | 69.48 |
| Diabetes | 25.7 ⁴ | 32.6 | 32.66 |
| Chronic Liver Disease | 26.4 | 28.1 | 32.09 |
| Unintentional injury | 35.3 | 72.1 | 107.73 |
| Suicide | 13 | 25.5 | 17.05 |
| Asthma (2013-2015) (%) | 14% | 9-11% | >20% ⁵ |
| Infant mortality rates (per 1,000 live births) | 6.9 | 5.7 | 8.5 ⁶ |

¹ 2016-2018. Arizona Vital Statistics Death Data. Arizona Cancer Registry ² New Mexico Epidemiology 11/8/19. ³ Navajo Nation Mortality Report, 2006-2009. Navajo Epidemiology Center. ⁴ Centers for Disease Control FastStats 5/3/17. ⁵ Allergic Living 10/18/18. ⁶ The Navajo Birth Cohort Study, Journal of Environmental Health Sept. 2015. ⁶ Age adjusted data.

due to diabetes and chronic liver disease. One in three Navajo are now diabetic or pre-diabetic. In some regions, health care workers report diagnosing diabetes in every other patient. In addition, the rate of asthma in children at the Navajo Nation is phenomenally high – at least twice the rate of the U.S. Infant mortality is higher than in NM and the U.S. and the postnatal mortality rate for Navajo is 2.1 higher than the U.S. (Indian Health Service, 2003). These health issues are likely due to the level of poverty that exists in Navajo Nation, and the impact that these conditions have on mental health, and a lack of access to healthy food and exercise and they are likely worse for

Navajo NM residents living near the former NFPI property where most the soil, water and air at **priority brownfield sites #1 and #2** is impacted by hazardous substances, pollutants, contaminants and/or petroleum. At the Community Outreach Event on 11/20/19 a resident asked what NNEPA was doing about the presence of asbestos at **priority brownfield sites #1 and #2** the NFPI site while waiting for award of this grant and wondered what kind of exposure to asbestos fibers from NFPI is occurring every time the wind blows.

Health and economic disparities created by brownfield legacies on the Navajo Nation have been compounded by the devastating impact of the coronavirus. As of April 30, the Navajo Nation had the third-highest per capita rate of COVID-19 in the country, after New Jersey and New York. By May 18, the tribe's infection rate had surpassed that of New York and New Jersey, previously known as the U.S. "epicenter" of the pandemic. Worsening the situation, Native Americans appear to have a higher risk of serious complications because they are likelier to suffer from diabetes, heart disease, and other conditions. Some 34 % of American Indian adults are at elevated risk of serious illness if infected with COVID-19, compared to just 21 % of all American adults, the Kaiser Family Foundation reports. The conditions that are allowing the coronavirus to ravage the Navajo Nation – from poverty to poor healthcare to inadequate water infrastructure – are the result of decades of federal policies that have left the reservation's living standards behind those of every US state. Unemployment and poverty are rampant. A third of families on the Nation don't have running water, making hand-washing difficult. Many Navajo households are multigenerational and in hard-to-reach areas, giving the virus an easier path to vulnerable elders living far from health services. Currently a shelter-in-place order, mask mandate, daily curfews from 9pm to 5am and 56- hour weekend lockdowns that were ordered by the tribal government months ago remain in effect. Furthermore, all tourist sites - a major source of tribal revenue – will remain closed for the remainder of 2020.

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Using money from the grant, health impacts associated with **priority brownfield sites #1 and #2** will be reduced as contaminants and exposure pathways are mitigated. For example: removal of contaminated soil will reduce exposure to hazardous substances from ingestion of asbestos fibers, particulates and inhalation of vapors; removal of dissolved contaminants that threaten aquifers and surface water will reduce potential exposure to carcinogens; and abatement of asbestos in aging/decaying structures both on **priority brownfield sites #1 and #2** and in the Navajo NM community will reduce potential health impacts (asthma and other respiratory diseases).

(3) Economically Impoverished/Disproportionately Impacted Populations: The tribal communities of Navajo NM and the Red Lake Chapter which are closest to the NFPI site are some of the most economically impoverished and disproportionately impacted communities in NM and the U.S. They have significantly more poverty and unemployment compared to NM and the U.S. EPA's EJ Screen tool shows that the community of Navajo, NM experiences very high exposure to ozone which may be due to the 45- year operation of the Navajo Generating Station, a coal fired power plant that impacted air quality across the

| EJ Index or Demographic Data | Navajo CDP |
|---|------------------|
| Ozone | 96 th |
| Minority Population | 97 th |
| Low Income Population | 99 th |
| Population Under 5 Years of Age | 92 nd |
| Source: EJSCREEN, USA Percentile EJ Index | |

Navajo Nation. In addition, the community is in the 92nd - 99th percentile for Demographic Indexes including minority, low income, populations under 5 years of age and linguistically isolated populations compared to the U.S. Thus, perhaps only a small number of all areas in the U.S. are more economically impoverished, disproportionately impacted and isolated when compared to this small community that has suffered the devastating effects of extensive contamination on 20% of the land they have available for development. Redevelopment of **priority brownfield sites #1 and #2** will lead to better housing options, employment opportunities and improvements to

recreational amenities that will lead to a higher quality of life for area residents. This will in turn improve health indicators such as lack of health insurance, leisure time/physical activity, obesity, and poor mental/physical health.

2.b.i. and 2.b.ii Project Partners: In support of this grant application the NNEPA hosted 3 Public Outreach Events in the RLC in the tribal community on the Navajo Nation where NFPI is located on Nov 18, 20, & 22, 2019. Imposition of both a weekday and weekend curfew to reduce transmission of the coronavirus across Navajo Nation for more than 6 months of 2020 prohibited extensive outreach during this time although discussion with individuals PLC members confirmed that support for the grant remains strong. The 2019 meetings were attended by 69 community members and guests. At the Nov 20 meeting the RLC unanimously approved a resolution for a ten year "NFPI-Navajo New Enterprise Road Map" designed to ensure the successful reuse and redevelopment of the NFPI site. Attendees confirmed the community's need for site specific assessment funding to identify the nature and extent of NFPI contamination. Community/project partners pledged to participate in outreach efforts, volunteer for membership in the BAC, and assist with grant implementation activities, such as cleanup planning to facility site reuse. The meeting sign in sheets, and a sign-up sheet completed in response to door-to-door requests for support of the grant made on 11/25/19 and attached to Threshold Criteria information. Some project partners and the support they will provide is shown below.

| Partner Name (Type) | Contact Person; Email; Phone # | Specific Role in the Project |
|---|--|--|
| Navajo Nation Red Lake Chapter (Chapter Gov & Community Members) | Pauline Gamenez 505-777-2810 redlake18@navajochapters.org | The RLC represents and is comprised of tribal members who live and work in the community. They will attend project status review meetings, volunteer as BAC members, provide meeting space & provide translation services. |
| Red Lake/Navajo Community Action Group (CBO); https://www.facebook.com/Places/Navajo, New Mexico | Prestene Gamenez (b) (6) | Community based organization comprised of community members who will attend project status review meetings, participate as BAC members and publicize the grant. |
| Red Lake Community Economic Development Committee (EDO) | Kathleen Shurley (b) (6) | Economic development organization which is part of the RLC. Members will attend project status review meetings, participate as BAC members and publicize the grant |
| NN Division of Economic Development (Tribal Gov) | Douglas Capitan, Sr. Project Manager (928)871-6544 dwcapitan@navajo-nsn.gov | As the tribal agency that promotes economic development NNEDD will be responsible for promoting property brownfield sites #1 and #2 to attract new businesses. |
| UNM Indigenous People Design and Planning Institute (Educational Org) | Ted Jojola, Director 505.277.6428 tjojola@unm.edu | University with experience working with Indian communities. Will provide workshop(s) for planning and design of new community and job training center and development of priority brownfield site #2.. |
| Nations Gas (Business) | Aaron Rosetta | Local business who will attend project status review meetings and participate as a BAC member |

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Navajo Forest Products Industries Site, Navajo Nation

| Partner Name (Type) | Contact Person; Email; Phone # | Specific Role in the Project |
|---|--|---|
| Salt River Project (Business) Navajo Tribal Utility Authority (Tribal Government) and Native Renewables (Business) | Glenn Steiger Walter Haase, GM 928- 729-6202 walterh@ntua.com Wahleah Johns (b) (6) | These solar energy experts will meet with RLC to review and discuss Kayenta solar facility & plans for utilizing priority brownfield sites #1 and #2 for new solar facility. |
| Institute for Tribal Environmental Professionals at NAU (Educational Org) | Todd Barnell, Project Director, 928-523-3840 todd.barnell@nau.edu | This university program for tribal professionals will meet with RLC to discuss job training needs and will provide environmental job training classes in the new community and job training center. |
| McKinley County Volunteer Fire Department; Navajo Pine Fire Dept (Local Government) | Sammy Legah III, Chief Jymerson Manygoats, Asst. Chief 505-777-2233 | This local organization affiliated with the County government has responsibility for fire and emergency services in Navajo NM & is expected to attend public meetings about the project |

2.b.iii. Incorporating Community Input: The plan for involving local community partners in the project includes (1) Listening to collective voices and hearing different and unique opinions; (2) Educating residents on facts, ideas, solutions, and resources for brownfield revitalization; and (3) Establishing a Brownfields Advisory Committee (BAC). It is expected that RLC members will be responsible for organizing and scheduling meetings of the BAC and making sure that it provides the NNEPA with ideas, interests and concerns expressed by community members. The NNEPA's robust public involvement program will include holding up to 10 community meetings to engage RLC stakeholders and leaders; mailings, press releases, website updates; and articles in local newspapers and/or other publications including but not limited to the Navajo Times. *To minimize personal contact and prevent the spread of COVID-19 public meetings may be held virtually online using Zoom, Teams, etc.* During public meetings project partners will be asked to provide input into the scope and timing of assessment activities and plans for site cleanup and reuse. Public information events will ensure outreach efforts include sensitive populations and/or those who live and work in brownfields impacted areas. NNEPA staff will inform the local community about the status of work on this project and will provide updated information every six months. The NNEPA staff will coordinate with RLC and local community organizations for meetings and to enhance community participation. The NNEPA staff will develop a community involvement plan for this project. The NNEPA will work with these individuals and organizations through formation of the BAC which will include representatives from RLC and other tribal communities and will meet at least two times per year over the three-year grant term. Diverse interests of BAC members will ensure a transparent public process and committed community input throughout the project. The NNEPA will tailor outreach methods to Navajo, NM the community closest to the NFPI site and ensure equal access to project information for sensitive and underserved populations. The Navajo Times frequently publishes articles about projects that are performed by communities in RLC and reporters regularly attend community meetings. The NNEPA will continue this open-door policy by fostering a transparent relationship with the newspaper and the RLC. In addition to 2+ BAC meetings/yr, the NNEPA anticipates hosting two community outreach events during the first year and 1 to 2 events/yr thereafter and sharing project information (such as factsheet distribution) at ongoing outreach events. NNEPA will assist the RLC with developing a project-specific information webpage hosted on its website to post project information, fact sheets, meeting announcements and minutes. Information about the project will be shared via semi-annual newsletters prepared by the NNEPA that will be distributed by the project partners that have offered to do so. NNEPA will continue its partnership with local newspapers, and local news broadcasters to provide ongoing coverage of the developments with the site assessment grant. Efforts will be made reach residents without internet access and those who have difficulty reading or do not read English. Social media and online forums will also be used to advertise upcoming meetings. The NNEPA and BAC will consider all community comments received about the project and respond, as necessary, through the project website or other appropriate communication. A random sample of comments will be selected for follow-up by telephone to confirm that written response to comments adequately addressed questions and concerns. Every comment or question will either be responded to during meetings or if this is not possible, shortly after the conclusion of each meeting. In addition, ideas and suggestions that align with the NFPI roadmap will be incorporated into a workplan that will be developed by the Brownfield Advisory Committee and NNEPA. Although most project communications will be published in English, the NNEPA will also provide material in Navajo for tribal elders and non-English speakers. In addition, translation services will be utilized at all public meeting as needed to ensure equal access to project information. In addition, all NNEPA meetings will be ADA-compliant and all project literature will include a statement that citizens may request alternative formats.

3. TASK DESCRIPTION, COST ESTIMATES & MEASURING PROGRESS:

3.a. Description of Tasks i. Implementation Activities; ii. Schedule; iii. Leads; and iv. Outputs: The scope of work has been organized into the four primary tasks described in this section:

Task 1: Cooperative Agreement (CA) Management, Reporting & Other Eligible Activities

i. **Implementation:** This task includes management of all aspects of the project, including coordination with the USEPA, community members, Qualified Environmental Professional ("QEP" or "Consultant"), and other key stakeholders. Reporting will include: 1) Quarterly Progress Reports (QPRs); 2) Property Profiles/ACRES Updates; 3) Annual/Final Disadvantaged Business Enterprise (DBE) and Federal Financial Reports (FFRs); and 4) a Final Project Closeout Report documenting accomplishments, expenditures, outputs, outcomes, and success stories. The budget includes funding for two NNEPA staff to attend one national and one regional brownfield conference.

ii. **Schedule:** Management/Reporting will be ongoing during the 3-year implementation period. Monthly calls/meetings will be held between NNEPA and Consultant. Attendance by NNEPA at State or Regional Workshop and National Brownfield Conference is anticipated in 2021.

iii. **Leads:** The NNEPA will lead this task and will be responsible for financial management, execution and compliance with the terms and conditions of the CA. The Consultant will assist with reporting activities.

iv. **Outputs:** Agendas/minutes from BAC; 12 QPRs; 3 DBE/FFR Reports; ACRES Updates (ongoing); 1 Final Report; 2 Brownfield Conferences attended by NNEPA members.

Task 2: Community Engagement

i. **Implementation:** A detailed description of the methods for engaging the community is provided in Section 2.b. This task includes preparation of the: 1) Community Involvement Plan (CIP); 2) fact sheets and press releases; 3) project webpage (with regular updates); 4) hosting up to 8 Brownfield Advisory Committee meetings (BAC); and 5) hosting additional public outreach and key stakeholder meetings, as appropriate.

ii. **Schedule:** The CIP, fact sheets and webpage will be developed during the first quarter (1Q) of the project. A BAC kick-off meeting will be held during the second quarter (2Q); BAC meetings will be held quarterly the first year, and semi-annually thereafter; other meetings will occur as needed.

iii. **Leads:** The NNEPA will lead this task, with support from the BAC and the Consultant.

iv. **Outputs:** CIP; fact sheets; press releases/articles; webpage content (updated regularly); 8 BAC Meetings (including presentations, agendas, minutes, etc.); other stakeholder meetings/ materials.

Task 3: Phase I/II Env. Site Assessments (ESAs)

i. **Implementation:** This task includes (1) the performance of one Phase I ESA in accordance with the All Appropriate Inquiries Final Rule and the standards in the ASTM E1527-13 Phase I ESA Process, (2) completion of a Conceptual Site Model (CSM), and (2) completion of one Phase II ESA. The Phase I ESA will incorporate all the data that has been collected at the site by NNEPA since the last Phase I was completed 7 years ago (Daniel B. Stephens & Associates, Inc. 9/28/12). This task also includes preparation of 1) one EPA-approved Quality Assurance Project Plan (QAPP); and 2) one EPA-approved site-specific Sampling and Analysis Plans (SAPs) and one Health and Safety Plan (HASP) prior to performance of the Phase II ESA. It is assumed that the SAP will include procedures for sampling asbestos containing material (ACM), soil and groundwater.

ii. **Schedule:** Year 1: QAPP, Phase I ESA, 1 SAP | Years 2 & 3: Phase II ESA. Because of the need to facilitate site reuse and redevelopment as soon as possible, efforts will be made whenever possible to expedite completion of the project during or prior to Year 2.

iii. **Lead:** The QEP will lead this task under the direction of the NNEPA.

iv. **Outputs:** 1 Master QAPP; 1 Phase I ESA; 1 Phase II ESA.

Task 4: Site-Specific Cleanup/Reuse Planning and Market Analysis

i. **Implementation:** This task includes preparation of one Analysis of Brownfield Cleanup Alternatives (ABCA); and evaluation of institutional and engineering controls for **priority brownfield site #1**, the first area of the NFPI property that will be the focus of future cleanup and reuse/redevelopment. To assist in job business attraction, job creation and workforce development, up to 20% of the assessment grant will be used as part of this task to perform a Market Analysis and prepare an Economic Development Roadmap to determine the best business to locate on the contaminated portion of **priority brownfield sites #1 and #2**. Priority will be given to businesses that provide reasonable pay and are willing to hire Navajo residents for at least 70% of its workforce. Furthermore, the business must be willing to help develop a curriculum that can be used in the workforce training center or at the site to train Navajo residents for the skills they would need to qualify for management positions. These will include but not be limited to a tire or materials recycling facility, a wood pellet facility and a solar facility. If the results of this study are not encouraging or

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the presence of additional businesses are desired to diversify the local economy, the market analysis will also evaluate the feasibility of attracting other commercial uses.

ii. **Schedule:** Year 3: 1 ABCA; 1 Market Analysis and Economic Development Roadmap

iii. **Lead:** The QEP will lead the technical elements of this task under direction of NNEPA and in consultation with the BAC.

iv. **Outputs:** 1 ABCA/Site-Specific Reuse Plan; 1 Market Analysis & Economic Development Roadmap

3.b. Cost Estimates: The following table provides a summary of the estimated costs for project outputs by task and budget category. The cost for site assessment and cleanup planning is > 80% of the total budget. The budget for all tasks uses an average rate of \$125/hr for contractual services and each task includes an hourly rate of \$23.82/hr for NNEPA staff labor (\$12.82/hr personnel costs + \$11/hr fringe costs = \$23.82/hr).

Task 1 – CA Management, Reporting & Other Eligible Activities: Total Budget = \$33,329

Personnel (avg. \$30/hr) + Fringe Costs (avg. \$20/hr) of \$6,984 are budgeted for an estimated 293 hrs of work by NNEPA (assuming \$23.82/hr) in completing CA management and reporting activities. **Travel Costs** of \$3,760 are included and assumes three-day attendance for Pam Maples and Darrel Yazzie to each attend two BF conferences. It includes airfare (\$400/person/conference = \$1,600 total) and hotel, meal, and incidental costs (\$180/person/ day/conference = \$2,160 total). **Contractual Costs** of \$21,000 is budgeted which includes 168 hours @ \$125/hr to assist with reporting and eligible project management activities.

Task 2 – Community Engagement: Total Budget = \$33,008

Personnel + Fringe Costs of \$6,984 are budgeted for an estimated 293 hrs of work by NNEPA (assuming \$23.82/hr) to lead engagement activities. **Supply Costs** of \$939 are budgeted for printing (\$350) and mailing public notices (\$589). **Contractual Costs** of \$23,500 are budgeted (188 hrs @ \$125/hr) for assisting with outreach activities.

Task 3 – Phase I and II ESAs: Total Budget = \$203,875

Personnel + Fringe Costs of \$3,129 are budgeted for an est. 88 hrs of work by NNEPA (@\$23.82/hr) to oversee the ESA activities. **Contractual Costs** of \$200,000 include costs for the Consultant to complete 1 Master QAPP (\$7,800); 1 Phase I ESA (\$5,000); 1 SAPs (\$3,500); and 1 Phase II ESA (\$183,700).

Task 4 – Site-Specific Cleanup/Reuse Planning & Market Analysis = \$79,787

Personnel + Fringe Costs of \$3,129 are budgeted for an est. 88 hrs of work by NNEPA (@\$23.82/hr) to coordinate the site-specific plans and Market Analysis Economic Development Roadmap. **Contractual Costs** of \$78,000 assume the completion by the QEP of 1 ABCA/Reuse Plan (\$8,000) and 1 Market Analysis & Economic Development Roadmap (560 hrs@\$125/hr = \$70,000).

A summary of the overall proposed budget is provided on the following table. No health monitoring costs are requested.

| Budget Categories | Task 1: PM & Other Eligible Activities | Task 2: Community Outreach & Involvement | Task 3: Phase I & II ESA | Task 4: Cleanup Planning | Total |
|-----------------------------|--|--|--------------------------|--------------------------|------------------|
| Personnel | \$4,800 | \$4,800 | \$2,100 | \$2,100 | \$13,800 |
| Fringe | \$2,184 | \$2,184 | \$1,029 | \$1,029 | \$6,425 |
| Travel | \$3,760 | \$0 | \$0 | \$0 | \$3,760 |
| Supplies | \$0 | \$939 | \$0 | \$0 | \$939 |
| Contractual | \$21,000 | \$23,500 | \$200,000 | \$75,913 | \$320,413 |
| Total Direct Costs | \$31,744 | \$31,423 | \$203,129 | \$79,042 | \$345,339 |
| Total Indirect Costs | \$1,585 | \$1,585 | \$746 | \$746 | \$4,661 |
| Total Budget | \$33,329 | \$33,008 | \$203,875 | \$79,788 | \$350,000 |

The complex nature and the magnitude of contamination at **priority brownfield sites #1 and #2**, the diverse type, number and condition of buildings and other legacy structures, as well as limited EPA grant and other funding suggest that the three-phase ten-year approach for assessment, cleanup and redevelopment adopted by the RLC is appropriate. This approach will allow for systematic, orderly and well planned reuse and redevelopment of the NFPI site with areas being assessed, cleaned, cleared and reinstated for reuse

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and redevelopment only after it has been established that it is safe to do so and once community driven and sustainable plans for long-term stewardship are in place. The goal will be to make the process self-sustaining so that the profit from redevelopment occurring during one phase will help to fund assessment during the next phase.

3.c. Measuring Environmental Results: Anticipated Outputs/Outcomes: To ensure completion of all activities within the grant period, NNEPA and its consultant will establish a project schedule with milestones as part of the Cooperative Agreement (CA) Work Plan for the grant that is submitted to USEPA. The status and estimated date of completion of outcomes identified in 3.b.i and anticipated short- and long-term outcomes will be tracked and reported to USEPA via Quarterly Progress Reports (QPRs), ACRES and the Project Close-Out Report. QPRs will list goals accomplished and activities planned for the next quarter. Any significant deviations in schedule will be discussed with the EPA Project Officer to develop corrective actions. QPR outcomes will be tracked on a project spreadsheet including: 1) # of soil samples tested, 2) # of ACM samples tested, 3) # of groundwater samples tested, 4) number of acres assessed, and 5) # of community meetings. Up to 25 discrete areas (operable units; OU) of the NFPI site will be identified prior to the start of the Phase II ESA. The acreage of each OU will be determined to allow for accurate tracking of progress and the achievement of project outcomes. The following short- and long-term outcomes will be tracked: 1) # of acres assessed, 2) number of acres cleaned up, 3) # of acres of land reused or redeveloped, 4) # of acres of parks/greenspace created, 5) \$ of private investment and other leveraged funding, 6) # of jobs created or retained from redevelopment projects, and (7) increased property value and potential tax revenue. NNEPA will continue to make updates to ACRES beyond the end date, to ensure outcomes are captured as priority brownfields are remediated and redeveloped.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

4.a.i. Programmatic Capability/Organization Structure: The Navajo Nation Environmental Protection Agency (NNEPA) was established in 1995 as part of The Navajo Nation, a federally recognized Indian tribe. The NNEPA has numerous environmental professionals in the departments of Air & Toxics, Air Quality, Criminal Enforcement, Surface and Groundwater Protection, and Waste Regulatory and Compliance which houses the Superfund, Underground and Leaking Storage Tank Program, and the Brownfields Program. In addition, the NNEPA in coordination with the NN Division of Natural Resources is responsible for 523 Abandoned Uranium Mines (AUM) throughout Navajo Nation. The grant will be administered by **Pam Maples, NNEPA Remedial Project Manager** who has 15 years of experience with the NNEPA Leaking Storage Tank Program. This included three years of project management experience and seven years geophysical field technician and five years remediation database design and development. The NNEPA has additional planning, business development, GIS, and support staff in other departments in Navajo Nation tribal government. She will be responsible for grant management, administration and reporting and leading community outreach and engagement work. Ms. Maples will be supported by **Daniel Yazzie, Environmental Program Supervisor** at Navajo Superfund, NNEPA and **Michele Dineyazhe, Deputy Program Manager** at Navajo Superfund Program, NNEPA. **Contractor Procurement:** Using a qualifications-based procurement process in conformance with 2 CFR 200.317–326 the NNEPA contracted with a Qualified Environmental Professional (QEP) in November 2019 to assist in grant implementation. Early procurement of a QEP will position NNEPA for expedited activities upon execution of the Cooperative Agreement (CA) and approval of a CA Work Plan. No cost for this has been incurred; costs will only occur upon award of the grant.

4.a. ii. Acquiring Additional Resources: NNEPA has proactive succession plans should unforeseen events take place, that will eliminate project delays and ensure that any staff that need to be reassigned to the project have appropriate qualifications and experience. In the event additional contractors and/or capabilities are required to assist with grant implementation, NNEPA has a list of Navajo owned prequalified firms that can be retained as subcontractors to their consultant. This should significantly expedite the selection process and immediately provide additional technical resources when or if needed. Other NNEPA Departments can also be used as needed to provide expertise or assistance.

4.b. Past Performance and Accomplishments 4.b.i. Currently Has or Previously Received an EPA Brownfields Grant Section 128(a) Tribal Response Program Grants (1) Accomplishments During a period starting between 2016 and the first two quarters of 2019, NNEPA performance on its USEPA 128A grant was poor. Navajo Nation lost its brownfield coordinator, made limited use of funding (including initially for FY19 and FY20) and there was minimal drawdown of grant money. In addition, timely submittal of required reports to EPA did not occur. **(2) Compliance with Grant Requirements** Efforts were made in late 2019 and 2020 to rectify the situation and to put in place significant corrective actions. These included: (1) transferring Ms. Pam Maples, from the NNEPA tanks program to the NNEPA brownfields program to manage 128a and other USEPA grants, (2) completion of USEPA 128a training by Ms. Maples the week of August 24th 2020, (3) completion of a brownfield site inventory and delivery of the inventory to USEPA, (4) increased and more systematic drawdown of 128a grant funds, and (5) increased frequency of ACRES reporting. NNEPA is now in compliance with the terms and conditions of their 128A grant.

THRESHOLD CRITERIA

Threshold Criteria for Assessment Grants

Information in bold and italics is text from the USEPA FY20 assessment grant guidelines.

1. APPLICANT ELIGIBILITY

Provide information that demonstrates that you are an eligible entity for an Assessment Grant as specified in Section III.A. of the USEPA FY21 assessment grant guidelines, Who Can Apply?

The treaty of 1868 established the Navajo Nation as a sovereign nation. The Navajo Nation is a federally Tribe. The applicant for this grant is the Navajo Nation Environmental Protection Agency (NNEPA) part of the Navajo Nation tribal government. CAU-72-72, (Previously codified at 2 N.N.C., § 3401 et seq., but redesignated at 2 N.N.C., §§ 1921-1927.) established The Navajo Environmental Protection Commission on August 10, 1972 and it was in the Natural Resources Department. In 1995, Navajo Nation Council approved legislation for the Navajo Nation Environmental Protection Agency to become a regulatory agency charged with “protection of human health and the environment”. The legislation also transferred the Navajo Nation Environmental Protection Agency to the Executive Branch. Simultaneously in April 1995, the Navajo Nation Council passed a resolution approving the adoption of the Navajo Nation Environmental Policy Act. This Act provided guidance for NNEPA on the protection of air, water and land resources and the recognition that a clean environment contributes to maintaining harmony and balance on the Navajo Nation.

2. COMMUNITY INVOLVEMENT

Provide information that demonstrates how you intend to inform and involve the community and other stakeholders in the planning, implementation and other brownfield assessment activities described in your grant application.

The following is described briefly in Sections 2.b.i., 2.b.ii and 2.b.iii of the 10 page grant Narrative.

The plan for involving local community partners in the Navajo Forest Products Industries (NFPI) site assessment project includes (1) Listening to collective voices and hearing different and unique opinions; (2) Educating residents on facts, ideas, solutions, and resources for brownfield revitalization; and (3) Establishing a Brownfields Advisory Committee (BAC) of stakeholders from the Red Lake Chapter (RLC) who will provide the NNEPA with the ideas, interests and concerns expressed by community members. The NNEPA's robust public involvement program will include holding up to 10 community meetings to engage stakeholders and leaders in the RLC; mailings, press releases, website updates; and articles in local newspapers and/or other publications including but not limited to the Navajo Times. Public information events will ensure outreach efforts include sensitive populations and/or those who live and work in brownfield-impacted areas. NNEPA staff will inform the local community about every activity of this project and will provide update information every six months. Local newspaper or radio will be used to inform community members and stakeholders for quarterly meetings. The NNEPA staff will coordinate with RLC and local community organizations for meetings and to enhance community participation. A community liaison will be provided by NNEPA to coordinate with the

Threshold Criteria for Assessment Grants

community. The NNEPA will provide oversight of the liaison's activities and will review all results submitted by the liaison. In addition, the NNEPA staff will develop a community involvement plan for this project. The NNEPA will work with these individuals and organizations through formation of the BAC which will include representatives from Navajo, NM and other tribal communities and will meet at least two times per year over the three-year grant term. Diverse interests of BAC members will ensure a transparent public process and committed community input throughout the project.

The NNEPA understands the importance of tailoring outreach methods to the community closest to the NFPI site and ensuring equal access to project information for sensitive and underserved populations. The Navajo Times frequently publishes articles about projects that are performed by communities in RLC and reporters regularly attend community meetings. The NNEPA will continue this open-door policy by fostering a transparent relationship with the newspaper and the RLC. In addition to 2+ BAC meetings/year, the NNEPA anticipates hosting 2 to 3 community outreach events during the first year and 1 to 2 events/year thereafter and sharing project information such as factsheets at ongoing outreach events. NNEPA will assist the RLC with developing a project-specific information webpage hosted on its website to post project information, fact sheets, meeting announcements and minutes. Information about the project will be shared via semi-annual newsletters prepared by the NNEPA that will be distributed by the project partners that have offered to do so. NNEPA will continue its partnership with local newspapers, and local news broadcasters to provide ongoing coverage of the developments with the site assessment grant. Efforts will be made to reach residents without internet access and those who have difficulty reading or do not read English. Social media and online forums including Facebook, public notice boards and community day fairs will also be used to advertise upcoming meetings. The NNEPA and BAC will consider all community comments received about the project and respond, as necessary, through the project website or other appropriate communication. A random sample of comments will be selected for follow-up by telephone to confirm that written response to comments adequately addressed questions and concerns. Time permitting every attempt will be made to respond to questions during meetings at the event and comment cards will be solicited to follow-up if this is not possible. Although most project communications will be published in English, the NNEPA will also provide material in Navajo for tribal elders and non-English speakers and Navajo language interpreters and translation services will be utilized at all public meeting to ensure equal access to project information. In addition, all NNEPA meetings will be ADA-compliant and all project literature will include a statement that citizens may request alternative formats.

The following community-based organizations (CBOs) are known to be supportive of the grant:

neighborhood/citizen groups

1. Navajo Nation Red Lake Chapter members
2. Red Lake/Navajo Community Action Group
3. Former Workers at NFPI

economic development groups

1. Red Lake Community Economic Development Committee
2. McKinley County Volunteer Fire Department

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environmental groups

1. Red Lake Area Farm Board
2. Red Lake Area Grazing Official
3. Red Lake area Senior Citizens

workforce development groups and/or educational institutions

1. DEAP Charter School
2. Gallup/McKinley County Schools

non-profit organizations

1. Navajo Townsite Community Development Corporation
2. Shepherd of the Valley Lutheran Church

business owners and/or other relevant stakeholders

1. Nation's Gas, Inc.
2. Navajo Shopping Centers, Inc.
3. M.O.B. Construction, LLC.

3. EXPENDITURE OF ASSESSMENT GRANT FUNDS

The Navajo Nation Environmental Protection Agency does not have an active USEPA Brownfields Assessment Grant.

4. ADDITIONAL THRESHOLD CRITERIA FOR SITE-SPECIFIC APPLICATIONS ONLY

In addition to the information provided above which addresses the threshold criteria listed in Section III.B. of the USEPA FY20 assessment grant guidelines, it is understood that applicants applying for Assessment Grant funding for a specific site must provide the following information.

1. Basic Site Information

| | |
|-----------------------------------|--|
| Property Name | Navajo Forest Products Industries |
| Complete Site Address | Navajo Route 12/Cleveland Road & Shepard Springs Road, Navajo, NM |
| Zip Code | 87328 |
| Other Location Information | The geographical coordinates of the site are Latitude 35054'31.72" North, Longitude 109001'52.50" West (Township 19 North, Range 21 West). |
| Owner of the site | Navajo Nation |

Threshold Criteria for Assessment Grants

2. Status and History of Contamination at the Site

Is site contaminated by hazardous substances or petroleum?

The NFPI site is contaminated predominantly by hazardous substances commingled with petroleum contamination.

The operational history and current use(s) of the site

The NFPI site is located on 103.28 acres with ten out of an original thirty-one buildings standing. The buildings were built in the 1950's and 1960's. The NFPI manufactured lumber products from 1958 to 1995 and expanded to include a particleboard factory with machinery support, supplemental power substation, and maintenance shops in 1983. In 1992, the Navajo Nation (NN) ten years Forest Management Plan expired, and logging operations were halted. Meanwhile, the NFPI bought timber from off-reservation. The NFPI closed all operations at the site in 1995 because of the cost of importing timber from off-reservation made it unprofitable to remain in business. The cessation of the NFPI operations at the site significantly damaged the economy in the area when 300 family sustaining jobs were lost. Currently, the NNEPA estimates that thirty percent of community homes are abandoned, vandalized, and/or burnt.

The NFPI site contains abandoned structures, deep open foundations that hold water, and other infrastructure or equipment that is physically compromised due to lack of maintenance. There have been reports of illegal entry despite the presence of a fence. Acts of vandalism are evident. Deterioration of the site may also pose safety risks. The site is a magnet for illegal activities such as arson and illegal dumping. The open abandoned swimming pool is a breeding ground for West Nile Virus. Since 2012, there have been at least two arson fire incidents at the site. One incident destroyed part of the building that the NN Red Lake Chapter (RLC) uses for office space. Besides destroying the physical beauty of the RLC, the site is also contaminated by hazardous chemicals and some of this contamination has migrated into surrounding areas.

The entire site is situated in a valley, in a rural area with the closest residents approximately 500 feet from the NFPI dump site and housing developments about a half mile southeast of the Mill site. There is also a school at the boundary of the site, grazing areas surround the site and business such as convenient store, restaurant, and grocery store are also within 0.5 miles. The grocery store has shut down and the building is now vacant.

Environmental concerns at the site

Environmental concerns include drinking water and/or facility water supply wells contaminated with asbestos, heavy metals, benzene and other petroleum contaminants. Soil is contaminated by mercury, heavy metals, pesticides, asbestos, solvents, oil, grease, etc. Discharge of cooling tower blowdown and boiler water into Black Creek and the former sewer lagoons. These discharges may have contained lime, sodium aluminate, soda ash, sulfuric acid, descalants such as hexavalent chromium and algicides. There is also concern

Threshold Criteria for Assessment Grants

about methylmercury contamination in the sediments, water, and fish of Red Lake. The contents of drums and chemical totes present at the site have been found to contain (or based on labeling formerly contained) ferrous chloride solution, hydraulic fluid, waste oil, diesel, gasoline, antifreeze, mercury, transformer oil, etc.

There is anecdotal evidence of health impacts from the NFPI site. At RLC meetings and home visits, the foremost complaint is breathing problems. The nearby residents have reported that they have asthma in their entire family and they believe the cause is the smoke from the numerous fires at the site, many of which smoldered for days. Residents cite the continually burning NFPI dump site as the main reason for their chronic respiratory problems. Some residents suffer from lung cancer and asbestosis which may be due to presence of asbestos on the Site. Similarly, acute and chronic impacts to nervous, respiratory and reproductive systems and cancer could exist in the RLC community due to presence of petroleum and its products. In addition, the presence of various toxic heavy metals on the Site could have resulted in impaired neurological development of children who live and attend school near the site.

How the site became contaminated

Operation and abandonment of the NFPI facility without appropriate decommissioning, closure and cleanup left a legacy of hazardous chemicals and petroleum contamination with potential contaminants of concern (PCOC) including asbestos, paints, cleaners, aerosol cans, adhesives, resins, acids, water treatment chemicals, chlorinated solvents, degreasers and various petroleum-based fuels and lubricants. The NFPI generated hazardous wastes during operations from 1958 through 1995. Multiple businesses utilized the abandoned site for scrapping of metal materials from 1999 through 2009. The scrapping of materials might have released toxic heavy metals on site such as mercury, and cadmium. Two large fires have occurred at the site since 1999: one in the Millworks buildings and the other in the Ponderosa Products, Inc. (PPI) building. These fires might have released corrosive or toxic environmental contaminants such as asbestos, carbon fibers, particulates, metals, dioxins and furans, PCBs, benzene etc. Among these contaminants, asbestos was visually observed during the site reconnaissance in 2012. A 1999 site assessment revealed that vandalism and deteriorating containers had resulted the release of substances into the environment.

The nature and extent of contamination

Greater than 1% asbestos (the level set for defining asbestos containing material) has been discovered in soil in several locations at the site to a depth of two feet below ground surface. Asbestos was also detected (by TEM analysis) in 75-foot deep drinking water and/or production wells at <5 million fibers per liter (MFL) and <19.9 MFL. A two-foot layer of diesel fuel was found floating on the groundwater in monitoring well MW-6. The highest dissolved mercury concentrations in Red Lake was 3.63 ng/L. Dissolved phase benzene was detected in 7 of 14 groundwater wells that were sampled at concentrations from 36 to 15,000 ug/L. There is an estimated 22,000 cubic yards of petroleum contaminated soil

Threshold Criteria for Assessment Grants

which is comingled with asbestos to at least two feet depth. Additional information about existing contamination at the NFPI site is shown in Table 1.

3. Brownfields Site Definition

The NFPI site meets the definition of a brownfield under CERCLA § 101(39) as described in the Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k). Thus, the NFPI site is eligible for brownfield grant funding.

The NFPI site **IS NOT** any of the following types of properties (which are not eligible for Brownfields Grant funding):

- facilities listed (or proposed for listing) on the National Priorities List (NPL);
- facilities subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
- facilities that are subject to the jurisdiction, custody, or control of the U.S. government.

4. Enforcement or Other Actions

Identify known ongoing or anticipated environmental enforcement or other actions related to the site for which Brownfields Grant funding is sought. If there are known ongoing or anticipated environmental enforcement or other actions related to the site, provide information on any inquiries, or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party (including the applicant) for the contamination, or hazardous substances at the site, including any liens.

There are no known ongoing or anticipated environmental enforcement or other actions related to the NFPI site that the NNEPA is aware of regarding the responsibility of any party for the contamination, or hazardous substances at the site, including any liens.

5. Sites Requiring a Property-Specific Determination

Certain types of sites require a property-specific determination in order to be eligible for Brownfields Grant funding. If your site requires a property specific determination, then you must attach the information requested in the FY20 FAQs. If not required, affirm that the site does not need a Property-Specific Determination.

The NFPI site does not require a Property-Specific Determination. It does **NOT** satisfy any of the following special classes of property:

- properties subject to planned or ongoing removal actions under CERCLA;⁽¹⁾
- properties with facilities that have been issued or entered into a unilateral

Threshold Criteria for Assessment Grants

administrative order, a court order, an administrative order on consent, or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Resource Conservation and Recovery Act (RCRA), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA);

- properties with facilities subject to RCRA corrective action (§ 3004(u) or § 3008(h)) to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;
- properties that are land disposal units that have submitted a RCRA closure notification or that are subject to closure requirements specified in a closure plan or permit;
- properties where there has been a release of polychlorinated biphenyls (PCBs) and all, or part, of the property is subject to TSCA remediation ⁽²⁾; and
- properties that include facilities receiving monies for cleanup from the Leaking Underground Storage Tank (LUST) Trust Fund (see the Information on Sites Eligible for Brownfields Funding under CERCLA § 104(k) for a definition of LUST Trust Fund sites).

6. Threshold Criteria Related to CERCLA/Petroleum Liability

As stated in Section 6.a.i of Section III.C. (page 19) of FY21 Guidelines for Brownfield Assessment Grants, "EPA has not considered Indian tribes to be liable under CERCLA and, therefore, tribes are exempt from demonstrating that they meet the requirements of a CERCLA liability defense to be eligible for a Brownfields Grant".

The NNEPA affirms that The Navajo Nation, as applicant for a Site-Specific Assessment Brownfield Grant is an Indian tribe and is therefore exempt from demonstrating that they meet the requirements of a CERCLA liability defense.

7. Waiver of the \$200,000 Limit

NNEPA is requesting \$350,000 in assessment funding for the NFPI. A one-page justification for a waiver of the \$200,000 limit is attached.

(1) Several removal actions have been performed by USEPA at the NFPI site previously. However, it is not believed that ongoing removal actions are planned for the NFPI site.

(2) USEPA performed a removal in 1996 – 1997 at the NFPI site of transformers and/or switch gear associated with the NFPI facility, presumably to proactively address the release of PCBs to the environment after the 1995 closure of the NFPI facility. It is not known if any PCBs had been released to the environment prior to this removal action and since the completion of the removal action they have not been detected at the site.

Threshold Criteria for Assessment Grants

Table 1.

| Area | Media | Potential Contaminants of Concern |
|--|---------------------------------|---|
| Power Plant | Soil, air, ground water | Asbestos Containing Material, lime, sodium, mercury, sulfuric acid, hexavalent chromium, solvents, water treatment chemicals |
| Saw Mill | Soil, Surface, and ground water | ACM, lubricants, PCBs, mercury, pitch solvent |
| Green Chain: Sorting, Stacking, Pre-Kiln Storage | Soil, air | ACM |
| Drying Kiln, Cooling Shed & Surrounding area | Soil, air, | ACM |
| Planer between | Soil, air, ground water | Possible polychlorinated biphenyl, mercury, lubricants, solvents |
| Resaw, Millwork, Cut Plant | Soil | Possible polychlorinated biphenyl, mercury, lubricants, solvents |
| Bark Processing Plant | Soil | Lubricants, Solvents |
| AST Basin | Soil, groundwater | Gasoline, diesel, former ASTs marked “chemicals” |
| Cooling Tower | Soil, ground water | Acids, lime, sodium, mercury, sulfuric acid, hexavalent chromium |
| Gasoline Engine Repair Shop | Soil, Groundwater | Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), lubricants, solvents, anti-freeze, acids, muriatic acid |
| PPI's Mechanical and Electrical Shop | Soil, Groundwater | Possible polychlorinated biphenyl, mercury, lubricants, solvents, acids, muriatic acid, resins, degreasers, machine oil, asbestos |
| Electric Shop | Soil | Possible polychlorinated biphenyl, mercury |
| Water Tower | Soil, Air | Lead |
| Electric Sub Station | Soil | Possibly PCB's |
| Warehouse/Small vehicle maintenance (had been the heavy equipment shop until the CAT shop was built) | Soil, ground water | Stoddard solvent, 1,1,1-Trichloroethane, DCB, lubricants, solvents, anti-freeze, muriatic acid, degreasers, brake and transmission fluid, motor oil, asbestos comingled in soil with diesel and gasoline. |
| CAT/Heavy Equipment | Soil, ground water | Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), used motor oil, lubricants, solvents, anti-freeze, acids, muriatic acid, brake fluid, hydraulic fluid |
| Paint Shop and General Maintenance | Soil, Groundwater | Lead, paint thinners, solvents, lubricants |
| Waste Shavings Receiving | | Physical crushing hazard from falling concrete walls. |
| Particle Board Manufacturing Shavings Prep, | Soil, Groundwater | Cesium-137, Americium-241, Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), acetone, |

Threshold Criteria for Assessment Grants

| | | |
|---|--|---|
| Formaldehyde Application Area, Compression-Gluing-Trimming, Vinyl Laminated Particle Board Lime | | waste oil, formaldehyde, acetone, adhesives, soluble oil in water mix, hydraulic fluid, machine oil, current physical drowning hazard, |
| Particle Board Storage: 40 | Soil, air, ground water | Possible polychlorinated biphenyl, mercury, formaldehyde |
| Former sewer lagoons And sediments in the overflow routes from the lagoons | Soil, Groundwater | Multiple discharge permit violations; Boiler blow down water, asbestos, RCRA metals, lime, sodium, mercury, sulfuric acid, hexavalent chromium, polychlorinated biphenyl, resins, degreasers, paint thinners, paints, antifreeze, brake and transmission fluid, motor oil, formaldehyde, Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), lubricants, other solvents, anti-freeze, acids, muriatic acid... |
| Drainage via Culvert Beneath Route 12 and ditch Into the Wash and the Wash itself | Soil, Groundwater | Multiple discharge permit violations; Boiler blow down water, asbestos, RCRA metals, lime, sodium, mercury, sulfuric acid, hexavalent chromium, polychlorinated biphenyl, resins, degreasers, paint thinners, paints, antifreeze, brake and transmission fluid, motor oil, formaldehyde, Stoddard solvent, 1,1,1-Trichloroethane, dichlorobenzene (DCB), lubricants, other solvents, anti-freeze, acids, muriatic acid. |
| Dam on Black Creek | Soil Groundwater | Suspect Boiler Blowdown Water and Hot Lime Process water at least. |
| Dump: extends 0.9 miles up Black Creek on both sides of the road and onto the flood plain of the creek | Soil, Surface and Groundwater | All of the waste from the NFPI went into the dump. ACM, formaldehyde, DCB, All PCOC's mentioned in this table. Residue from firefighting foam. |
| Sawdust Disposal Areas, Actual and Suspected | Soil, Surface and Groundwater | Reported unknown areas of disposal of unknown substances throughout this sawdust disposal area. Residue from firefighting foam. |
| Sediments Above the Dam in Black Creek and the Diversion Channel | Soil, Groundwater | ACM, Anything leachable from the processed waste shavings and the dump; formaldehyde, metals, acids, lime, sodium, mercury, sulfuric acid, hexavalent chromium, Residue from firefighting foam. |
| 6-Facility Supply Wells: #26, #28, #29, #31, and #32 | Groundwater | Asbestos, RCRA metals |
| Red Lake | Surface water, Soil, Edible Fish | Mercury, Other contaminates that have found their way into the lake by the diversion channel or any other means. |

**PUBLIC MEETING AGENDAS &
SIGN-IN SHEETS**



Red Lake Chapter

Arval T. McCabe
PRESIDENT

Pauline J. Garnenez
VICE PRESIDENT

Loberta Redhouse
SECRETARY/TREASURER

Florina Howard
GRAZING OFFICIAL

RLC-11-19-32

RESOLUTION RED LAKE CHAPTER #18

Resolving and Supporting the NFPI Reuse Plan, Also Called the NFPI-Navajo New Mexico Enterprise Road Map, to Stimulate Economic Development Upon Completion of the Cleanup and Requesting Approval of the Brownsfield Grant Application.

WHEREAS:

1. Pursuant to the N.N.C., Section 3 (A), the Red Lake Chapter is a certified chapter of the Navajo Nation as listed under 11NNC., Part I, Section 10; and
2. Pursuant to N.N.C., Section 1 (B) the Red Lake Chapter is delegated to governmental authority to make decision over local matters consistent with Navajo Law, Custom, and Traditions; and
3. Early planning of NFPI reuse started in 2000 – 2001 with the creation of the Red Lake Chapter (RLC) Land Use Plan (LUP). All of the NFPI reuse plans are compatible with the principles included in the Red Lake Chapter LUP; and
4. Future uses of the NFPI site following assessment and cleanup should satisfy one or more of the following objectives: 1) provide community facilities & amenities, 2) create placemaking (establish this as a destination location), and/or 3) enhance economic development (business attraction and business retention), 4) Jobs creation, 5) Workforce development; and
5. Work has been performed by the Navajo Nation Environmental Protection Agency (NNEPA) to develop a community-driven plan that prioritizes the needs and opportunities available to the Red Lake Chapter for implementation. The plan called the NFPI-Navajo New Enterprise Road Map outlines a series of specific concise activities to be undertaken by the NNEPA, the Red Lake Chapter and/or the tribal community of Navajo NM over a ten-year period to reuse and redevelop the NFPI site as a catalyst for the rebirth of the Navajo NM community providing it with new life and long-term sustainability in a way that respects and honors the community's origins, unique attributes and characteristics, and its traditions, attached hereto as Exhibit "A"; and
6. Priority will be given to incorporating bold and innovative ideas suggested by community members that, given enough time and possibly funding, can enhance and improve development opportunities at the NFPI site and remove constraints and limitations to growth of the Navajo community that have existed during the 25 years since closure of the NFPI facility; and
7. The options for NFPI reuse that the Red Lake Chapter has approved for consideration as part of the Road Map to satisfy the objectives stated above is hereby attached as Exhibit "B". Emphasis is on mixed use development that includes one or more of the following elements: commercial, cultural, institutional, or entertainment as well as adaptive reuse of existing buildings, foundations and concrete slabs from the former NFPI facility; and

8. In year 2020 several funding opportunities and financial contributions from USEPA and interested nonprofit organizations and foundations will be pursued to create some momentum and get some early successes. These include the following.

- A USEPA Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Grant to supplement the site-specific USEPA assessment grant being applied for in 2019. One of these is awarded each year per EPA region. They are \$120,000 each. This grant could assist the chapter in decision making over the next three years with respect to land use, reuse, redevelopment on and/or around NFPI over the next three years.
- A USEPA job workforce training grant (JWTG) to supplement the site specific assessment grant being applied for in 2019. These grants are \$200,000 each.
- \$30,000 - \$50,000 for construction of a community center from nonprofits the Vitalyst Health Foundation and/or the Robert Wood Johnson Foundation.
- Construction of new housing to be provided by the nonprofits Habitat for Humanity and/or Red Feather Construction.
- Construction of basketball courts by Project Backboard, a nonprofit that renovates existing public basketball courts.
- Construction of a playground for children by KaBOOM! a non-profit organization that helps communities build playgrounds for children.
- First Nation's Institute Grant for agricultural, entrepreneurial development, cultural, and Sustainability opportunities.; and

THEREFORE BE IT RESOLVED THAT:

The Red Lake Chapter hereby approves resolving and supports the NFPI Reuse Plan, also called the NFPI-Navajo New Enterprise Road Map, to stimulate Economic Development upon completion of the cleanup and requesting approval of the Brownsfield Grant Application.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Red Lake Chapter at a duly called regular chapter meeting at Red Lake Chapter, Navajo Nation (New Mexico), at which a quorum was present and that the same was passed by a vote of 25 in favor, 0 opposed, and 02 abstained, on this 20th day of November, 2019.



Arval McCabe, Chapter President

Motioned: Edmund Ciccarello
Seconded: Christyn Hing Wilson

EXHIBIT "A"

The NFPI – NAVAJO NEW ENTERPRISE ROAD MAP is as follows:

Year One (October 1, 2020 – September 30, 2021)

- During this year NNEPA, the Red Lake Chapter and tribal community of Navajo will engage in a series of 4 Charrettes and Visioning sessions to identify and consider the various options for NFPI reuse and revitalization.
- First year (of three) for implementation of USEPA site specific assessment grant #1

Year Two (October 1, 2021 – September 30, 2022)

- Second year (of three) for implementation of USEPA site specific assessment grant #1
- Prepare Analysis of Brownfield Cleanup Alternatives ABCA) for NFPI site
- Start work to apply for USEPA cleanup or multipurpose (MP) grant

Year Three (October 1, 2022 – September 30, 2023)

- Third year (of three) for implementation of USEPA site specific assessment grant #1
- Apply for USEPA site specific assessment grant #2 and cleanup grant OR
- Apply for USEPA MP grant

Year Four (October 1, 2023 – September 30, 2024)

- First year (of three) for implementation of USEPA site specific assessment grant #2 & cleanup grant OR first year (of five) for implementation of USEPA MP grant

Year Five (October 1, 2024 – September 30, 2025)

- First year (of three) of implementation for USEPA site specific assessment grant #2 & cleanup grant OR first year (of five) for implementation of USEPA MP grant

Years Six – Ten (October 2025 – September 30, 2030)

- TBD

EXHIBIT "B"

Innovative Ideas and Suggestions by the Community Members for NFPI reuse:

Community Facilities & Amenities

- New Chapter House
- Community Center
- Safety Shelter
- Better landscaping
- Library
- Music room
- Arts Studios
- Study rooms
- Senior Center
- Park
- Playground
- Jogging track
- Recreation areas appropriate for all age groups
- Basketball courts
- Trees for shade
- Trash/recycle collection
- Wellness and recreational space
- Fitness walk
- Skate park
- Water park/swimming pool
- Laser tag

Economic Development

- Recycling center
- Laundromat
- Small post office
- Coffee Shop (P)
- Small business incubator
- Computer Lab/internet access
- Educational related space
- Movie theater (P)
- Car wash
- Clinic (CF)
- Businesses that attract tourism
- Hotel
- Outdoor sports opportunities
- RV Park
- Resort/Marina

Placemaking

- Bull riding arena
- Community gardens
- Agricultural area
- Greenhouse
- Flea market area
- Retail sales leasing area
- Rock climbing wall or gym
- Obstacle course
- Outdoor sports venues
- Dog park
- Frog Rock Tribal/Chapter Park

Red Lake Chapter #18
EPA Community Redevelopment Planning Meeting
November 18, 2019 @ 8:00 a.m.

| NO. | Name | Phone Number: | Department | Email |
|-----|------------------|---------------|------------------|------------------------------|
| 1 | Pam Maples | 928-871-7187 | NNEPIA Superfund | pamaples@navajo-nsh.gov |
| 2 | Kathy Shudy | 505-777-2810 | R/C Chapter | kshudy@navajochapters.org |
| 3 | Rhonda Loner | 505 777-2810 | R/C Chapter | redlake18@navajochapters.org |
| 4 | Roberta Redhouse | (b) (6) | Red Lake Chap | (b) (6) |
| 5 | Araceli McCann | (b) (6) | Red Lake / Den | (b) (6) |
| 6 | Pet Garnenez | (b) (6) | Red Lake Chp | (b) (6) |
| 7 | Preston Garnenez | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | | | | |
| 13 | | | | |

Red Lake Chapter #18
NFPI Redevelopment Road Map Approval
November 20, 2019 @ 6:00 p.m.

| NO. | Name | Phone Number: | Organization/Community Member | Email |
|-----|--------------------|--------------------|-------------------------------|------------------------|
| 1 | Francis Redhouse | | NTUAW-Consultant | |
| 2 | Edmund Ciccarello | (b) (6) | Comm. member | |
| 3 | Elivera Bahe | (b) (6) | Comm. Member | |
| 4 | Jonas Mastach | (b) (6) | Comm. Member | |
| 5 | Marietta Jensen | (b) (6) | Comm. member | mjensen@navajo-nsn.gov |
| 6 | Therese Saterally | Johnnie E. Johnson | Caullella | (b) (6) |
| 7 | Jeran Mastach | | Red Lake Member | |
| 8 | JERICK MASTACH | | RED LAKE MEMBER | |
| 9 | Eulanda Ciccarello | (b) (6) | Red Lake Comm. Member | (b) (6) |
| 10 | Basilio Tsabetsayo | (b) (6) | RLC Community Member | |
| 11 | Ernesto Mould | | Red Lake, Az | |
| 12 | Marie Compfield | (b) (6) | Red Lake member | — |
| 13 | Gary Shumley | (b) (6) | Red Lake member | — |

Red Lake Chapter #18
NFPI Redevelopment Road Map Approval
November 20, 2019 @ 6:00 p.m.

| 14 | | | | |
|-----|----------------------------|---------------|------------------|------------------------|
| NO. | Full Name: Print | Phone Number: | Mailing Address: | Date of pick-up: |
| 15 | Leon Charles | (b) (6) | (b) (6) | |
| 16 | Kathy Skurta | (b) (6) | (b) (6) | |
| 17 | Cynthia Ivora | (b) (6) | (b) (6) | |
| 18 | Brenda Hardy | (b) (6) | (b) (6) | |
| 19 | Suzanne McElhin | (b) (6) | (b) (6) | |
| 20 | Chrysanthina McCabe Wilson | (b) (6) | (b) (6) | 280515 |
| 21 | QUINTINA TAYAH | (b) (6) | (b) (6) | |
| 22 | Anthony Casey | (b) (6) | (b) (6) | |
| 23 | Richard Tsosie | (b) (6) | (b) (6) | Community Member |
| 24 | DONDI K BEGAH | (b) (6) | (b) (6) | Community Member |
| 25 | Bob Loria | (b) (6) | (b) (6) | Red Lake #18 Community |
| 26 | Prestone Garnamez | (b) (6) | (b) (6) | Community member |

Red Lake Chapter #18
NFPI Redevelopment Road Map Approval
November 20, 2019 @ :00 p.m.

| NO. | Name | Phone Number: | Organization/Community Member | Email |
|-----|---------------------|---------------|-------------------------------|---------------------------------|
| 27 | Pam Maples | 928-871-7187 | NNEPA | pamaples@navajo-nsh.gov |
| 28 | Darlene Thompson | (b) (6) | Community | |
| 29 | Ann T McCole | 505 930 0911 | President RLC | arvut+mccole@reservations.org |
| 30 | Daniel Yazzie | 928-871-7325 | NNEPA | danielyazzie@navajo-nsh.gov |
| 31 | Frederick Sherman | 928 871 7923 | Navajo EPA/RCRP | fredericksherman@navajo-nsh.gov |
| 32 | Monica J. Berchman | (b) (6) | NPRD | (b) (6) |
| 33 | Corbin L Francisco | (b) (6) | Community | (b) (6) |
| 34 | Gloria Callen | (b) (6) | " | |
| 35 | Roberta Reburne | (b) (6) | Red Lake Chap #18 | (b) (6) |
| 36 | Pauline J Garnenez | 508 | | |
| 37 | Flo Howard | (b) (6) | Red Lake | (b) (6) |
| 38 | Wilson C Stewart Jr | 928-287-6623 | 24th hnc | wilsonstewartjr@navajo-nsh.gov |
| 39 | | | | |

Red Lake Chapter #18
UNM Student Presentation
November 22, 2019 @ :00 p.m.

| NO. | Name | Phone Number: | Organization/Community Member | Email |
|-----|---------------------|---------------|-------------------------------|-------------------------|
| 1 | Pam Maples | 928-871-7187 | NNEPTA Superfund | pamaples@navajo-nsn.gov |
| 2 | Taymica Talk | (b) (6) | Student Dine College | |
| 3 | Prestene Garmonez | | Red Lake #18 member | (b) (6) |
| 4 | RAINELLE MILLER | | UNM Student | |
| 5 | Teara Herrera | | unm student | |
| 6 | MARY MAYS | | UNM STUDENT | |
| 7 | Carlos Gomez | | UNM Student | (b) (6) |
| 8 | JOHN R. OWEN | | UNM | |
| 9 | CATHERINE P. HARRIS | 505 205 5165 | UNM FACULTY | cphunm@unm.edu |
| 10 | Meljorie Segay | | DEAP Student | (b) (6) |
| 11 | Mikkel Biau | | DEAP Student | |
| 12 | Kiyana Charley | | DEAP Student | |
| 13 | Vidal Barragan | | DEAP teacher | |

Red Lake Chapter #18
UNM Student Presentation
November 22, 2019 @ :00 p.m.

| 14 | | | | |
|-----|------------------------------|---------------|------------------|------------------|
| NO. | Full Name: Print | Phone Number: | Mailing Address: | Date of pick-up: |
| 15 | Braxton Beaulieu | N/A | N/A | N/A |
| 16 | Antonio Albert | N/A | N/A | N/A |
| 17 | Pauline J. Gomez, V-P R/L Ch | (b) (6) | (b) (6) | |
| 18 | Loberta Redhouse | | | |
| 19 | Jonas Mastack | | | |
| 20 | Regina Billy | | | |
| 21 | | | | |
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**REQUEST FOR WAIVER OF
\$200,000 FUNDING LIMIT**

REQUEST FOR WAIVER OF \$200,000 FUNDING LIMIT
FY2021- Site-Specific Brownfield Assessment Grant Application
Navajo Nation Environmental Protection Agency
Navajo Forest Products Industries Site

1. Description of the site: The NFPI site is located on 103.28 acres with ten out of an original thirty-one buildings standing. The buildings were built in the 1950's and 1960's. The NFPI manufactured lumber products from 1958 to 1995 and expanded to include a particleboard factory with machinery support, supplemental power substation, and maintenance shops in 1983. The NFPI closed all operations at the site in 1995 because of the cost of importing timber from off-reservation made it unprofitable to remain in business. The cessation of the NFPI operations at the site significantly damaged the economy in the area when 300 family sustaining jobs were lost.

Currently, the NNEPA estimates that thirty percent of community homes are abandoned, vandalized, and/or burnt. The NFPI site contains abandoned structures, deep open foundations that hold water, and other infrastructure or equipment that is physically compromised due to lack of maintenance. There have been reports of illegal entry despite the presence of a fence. Acts of vandalism are evident. Deterioration of the site may also pose safety risks. The site is a magnet for illegal activities such as arson and illegal dumping. Environmental concerns include drinking water and/or facility water supply wells contaminated with asbestos, heavy metals, benzene and other petroleum contaminants.

Soil is contaminated by mercury, heavy metals, pesticides, asbestos, solvents, oil, grease, etc. Discharge of cooling tower blowdown and boiler water into Black Creek and the former sewer lagoons. These discharges may have contained lime, sodium aluminate, soda ash, sulfuric acid, descalants such as hexavalent chromium and algicides. There is also concern about methylmercury contamination in the sediments, water, and fish of Red Lake. The contents of drums and chemical totes present at the site have been found to contain (or based on labeling formerly contained) ferrous chloride solution, hydraulic fluid, waste oil, diesel, gasoline, antifreeze, mercury, transformer oil, etc.

2. Why assessment costs exceed the funding limit: As indicated in the grant application, we have estimated that the project will require \$350,000 to complete. All three primary elements described for our project (Phase II Investigation, Remedial Planning and Re-Use Planning) are viewed as critical to success. Costs are estimated to exceed the funding limit because the Site is relatively large (100 acres) and the environmental site assessment work performed previously needs to be substantially updated with new data. Also, our project success is highly dependent upon incorporating meaningful community involvement to refine a redevelopment plan for the Site.

3. Circumstances that justify the extra costs: The Site is a critical piece of economic development planning in Navajo, New Mexico. Redevelopment of the Site is contingent upon eliminating environmental site assessment data gaps and developing a cost-effective cleanup plan. Assessment, cleanup and redevelopment of the Site will provide much-needed economic development, job creation and employment opportunities for the members of the Red Lake Chapter who have lived with this large contaminated property and abandoned industrial facility for the last 25 years.

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

10/28/2020

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

Choose State...

8. APPLICANT INFORMATION:

* a. Legal Name:

The Navajo Nation

* b. Employer/Taxpayer Identification Number (EIN/TIN):

86-0092335

* c. Organizational DUNS:

0090017020000

d. Address:

* Street1:

PO Box 646

Street2:

* City:

Window Rock

County/Parish:

* State:

AZ: Arizona

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

86511-0646

e. Organizational Unit:

Department Name:

Navajo Superfund

Division Name:

Navajo Nation EPA

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Cordell

Middle Name:

* Last Name:

Shortey

Suffix:

Title:

Contracting Officer

Organizational Affiliation:

Navajo Nation OMB-CGS

* Telephone Number:

928-871-6470

Fax Number:

928-871-8567

* Email:

cshortey@omb.navajo-nsn.gov

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-06

* Title:

FY21 GUIDELINES FOR BROWNFIELD ASSESSMENT GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

FY2021 Site Specific Brownfields Grant Application
Navajo Forest Products Industries Site, Navajo Nation

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

| | |
|---------------------|---|
| * a. Federal | <input type="text" value="350,000.00"/> |
| * b. Applicant | <input type="text" value="0.00"/> |
| * c. State | <input type="text" value="0.00"/> |
| * d. Local | <input type="text" value="0.00"/> |
| * e. Other | <input type="text" value="0.00"/> |
| * f. Program Income | <input type="text" value="0.00"/> |
| * g. TOTAL | <input type="text" value="350,000.00"/> |

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email: * Signature of Authorized Representative: * Date Signed: